

MINUTES OF BENTON COUNTY QUORUM COURT

October 25, 2012

A regular meeting of the Benton County Quorum Court was held on Thursday, October 25, 2012 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

Deputy Clerk Janet Reaves called roll as follows:

10 JPs Present: King, Winscott, J. Harrison, Allen, Hawkins, Jones,
Sandlin, Douglas, Blaty, Curry
3 Absent: K. Harrison, Carr, Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Galen Percy of Radiant Life Church led the prayer.

CHANGES TO THE AGENDA:

None`

MINUTES:

JP Winscott made motion to approve the minutes of the September 27, 2012 Quorum Court as distributed, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

10 Yeas: King, Winscott, J. Harrison. Allen, Hawkins, Jones,
Sandlin, Douglas, Blaty, Curry
3 Absent: K. Harrison, Carr, Moore

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGES' REPORT:

County Judge Bob Clinard reported that: 1) The Finance Budget Committee is engaged in the Budget process for 2013; 2) They are continuing the work for a permanent solution to the Emergency Management Services (EMS) service in Benton County; 3) The contract for the Administration Building HVAC replacement has been signed and the work is scheduled for November 12, and that he also has signed the contract for the replacement of four(4) RTU units on the Court House; 4) He is continuing to explore possibilities for a new and modern court facility;

5) That the City of Bentonville has decided to make the street in front of the Court House a two way street, and that they will no longer be able to park the prisoner transport buses in front of the court house; 6) The Benton County Fall Clean-up was successful with over 1,000 residents served.

COMMITTEE REPORTS:

JP Allen reported that the Finance Budget Committee had met and had gone through the revenues and expenses for the County Judge, Sheriff, Jail, and the County Clerk. He stated that they will meet on October 30th to go over the remaining Elected Officials budget.

County Judge Bob Clinard presented the Benton County 4-H members with a Certificate of Proclamation, stating that the County Extension Agents of the Cooperative Extension Service have declared the month of October, in the year 2012, as National 4-H Month.

PUBLIC COMMENTS:

Pat Adams announced that the Benton County Habit for Humanity will be holding their Fall Fundraiser on Saturday, October 27, 2012 at Horton Farms.

Bob Bland of Centerton expressed his concerns about the compliance of the Nighthawk Custom Training Academy operation following the stipulations that were placed on the business by an Appeal Board appointed by the County Judge to review the denial by the Planning Board and the reversal of the Planning Board's decision.

County Judge Bob Clinard that the matter wasn't that clear and that he had met with the business owner and given him until next Tuesday, which is the end of the 90-day period from the appeal hearing in July, to show that the business is meeting the stipulations.

County Clerk Tena O'Brien announced that over 11,791 voters have early voted as of today.

Tammy Waterhouse of Rogers commented on the road work done on Blueberry Lane

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

10 yeas:	King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry
3 absent:	K. Harrison, Carr, Moore

Motion passed by voice vote.

OLD BUSINESS

None

NEW BUSINESS

- (A) Proposed Resolution Authorizing the Approval and Acceptance of a Grant Through the Environmental Protection Agency, Region 6 Environmental Education Grant; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen stated that this proposed resolution is for a grant to provide Federal funds in the amount up to \$1,500 with a \$500 match from the County to translate environmental brochures, advertisements and paperwork material from English into Spanish.

JP Allen made motion to adopt, seconded by JP Curry.

JP Douglas stated this proposed resolution request is not a wise use of taxpayer's tax dollars, and that he would not support it.

There being no further discussion, a roll call vote was recorded as follows:

3 yeas:	Allen, Sandlin, Curry
7 opposed:	King, Winscott, J. Harrison, Hawkins, Jones, Douglas, Blaty
3 absent:	K. Harrison, Carr, Moore

Resolution failed.

(B) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant on Behalf of the Maysville Community; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Curry made motion to adopt, seconded by JP J. Harrison

There being no discussion, a roll call vote was recorded as follows:

10 yeas:	King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry
3 absent:	K. Harrison, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-19**.

(C) Proposed Resolution Authorizing a Property Tax Levy for Benton County General Fund and Benton County Road Fund for the Year **2012** to be Collected in the Year **2013**; Sponsor: Quorum Court

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

10 yeas:	King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry
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3 absent: K. Harrison, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-20.**

- (D) Proposed Resolution Declaring Aerial Photography to be a Professional Service;
Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed resolution by title only.

JP Sandlin made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin,
Douglas, Blaty, Curry

3 absent: K. Harrison, Carr, Moore

Resolution duly adopted and assigned **No. R-2012-21.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2011-61 (**2012** Benton County Budget) Authorizing a Transfer of Funds
Between Categories and Line Items and Authorizing Expenditures in Department 49,
Information Systems, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin,
Douglas, Blaty, Curry

3 absent: K. Harrison, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-58.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2011-61 (**2012** Benton County Budget) Authorizing a Transfer of Funds
Between Categories and Line Items and Authorizing Expenditures in Department 44,
Road Department, Fund 020; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion a roll call vote was recorded as follows:

10 yeas: King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin,
Douglas, Blaty, Curry
3 absent: K. Harrison, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-59.**

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2011-61 (**2012** Benton County Budget) Appropriating Additional Monies and
Authorizing Additional Expenditures in Department 23, Non-Dept Maintenance,
Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated this appropriation ordinance is for the purchase of four HVAC replacement units
for the for the Courthouse Tower Building.

JP Allen made motion to adopt, seconded by JP Jones.

County Judge Bob Clinard stated that the bids came in less than this appropriation request.

There being no further discussion, a roll call vote was recorded as follows:

10 yeas: King, Winscott, J. Harrison, Allen, Hawkins, Jones, Sandlin
Douglas, Blaty, Curry
3 absent: K. Harrison, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2012-60.**

OTHER BUSINESS:

JP Jones stated that he wanted to make a statement to the Quorum Court and the Public and that he was
going to go ahead and speak for Justice Moore and Justice Carr. He stated that we had five stipulations
that Nighthawk Custom Training Academy were supposed to do, and that there were four very
distinct items that they clearly required to be done in the conditional use period.

He stated that he did not know what happened, and that he just wanted to make clear that those was
their intent at the appeals board meeting.

JP Allen stated that he was disturbed, that if it was truly required to have for example the one item the
berms raised to standards, , and if that was not done, that was for reasons of safety, that it should not
have opened. He added that is ridiculous and it should not be open.

JP Curry stated that he had visited the site and no work had been done on the berms, and asked if they
are not done in 90 days, aren't they in violation.

Further discussion was held on the stipulations that were given to the owner in a letter from the Planning and Environmental Service Department.

County Judge Bob Clinard stated that he didn't know who wrote the letter or whether it perfectly matched the terms decided on by the appeals panel but the terms set out in the letter are not clean. He stated there are no state laws or county ordinances prohibiting gun ranges and the county can't simply ban them. He added that we can only do what the law says; the county does not have a nuisance ordinance. He stated that he had asked the business owner, Jon Hodoway to provide the county with a plan for compliance by next Tuesday.

County Judge Bob Clinard stated that we are going to get this thing fixed as soon as possible, but it's not as simple as saying "Fix it".

JP Winscott stated that he agreed the safety issue was his chief concern and that the county's course of action was clearly established by the appeals board. He stated the safety issue, is pre-eminent, raise the berms or shut it down.

County Attorney George Spence stated this is not a simple issue and that the roll of the court and the JP panel is over, that the Planning Department will be in charge of enforcing this, and it is just a matter of making the lessee and property owner comply with the decision that has been made.

County Judge Bob Clinard commented on the letter that was sent to the Nighthawk Custom Training Academy and the stipulations that were in the letter from the Benton County Planning and Environmental Services Department.

Further discussion was held on the stipulations of the letter that were to be completed in a 90 day time period.

County Judge Bob Clinard stated that the letter states that if the owner doesn't agree and comply with this letter that the County Judge is who will make a decision and that decision shall be final. He stated we are going to get this thing fixed as soon as possible , but it's not as simple as saying "Fix it" we are going to have to have a plan by Tuesday because Tuesday is the deadline.

ANNOUNCEMENTS:

None

ADJOURNMENT:

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:22 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Janet Reaves